

Jose R. Rodriguez
City Clerk

RESOLUTION NO. 8151

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA APPROVING THE AMENDED STORM WATER AND URBAN RUNOFF CONTROL REGULATIONS AND REPEALING RESOLUTION NO. 7950

WHEREAS, under the provisions of the Porter-Cologne Act, the State Water Resources Control Board (SWRCB) and nine regional quality control boards adopt policies and plans relating to water quality control in the state, which together comprise the uniform water quality guidelines for California, and

WHEREAS, these boards also implement portions of the Federal Water Pollution Control Act, as amended (the Clean Water Act), and administer the National Pollutant Discharge Elimination System (NPDES) permit program, and

WHEREAS, in December 2001, the California Regional Water Quality Control Board, Los Angeles Region, issued a final municipal separate storm sewer system permit (Los Angeles County MS4 Permit) to the County of Los Angeles, as Principal Permittee, and eighty-four incorporated cities, including the City of Pasadena, as co-permittees to control and minimize the discharge of pollutants associated with storm water and urban runoff, and

WHEREAS, the California Regional Water Control Board has approved the Standard Urban Storm Water Mitigation Plan (SUSMP), and the City of Pasadena is required to implement the SUSMP requirements; and

WHEREAS, on December 4, 2000, the City Council adopted Resolution No. 7950 which established the City's Storm Water and Urban Runoff Control Regulations; and

WHEREAS, the City's Storm Water and Urban Runoff Control Regulations need to be amended.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PASADENA. DOES
HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

Section 1: The amended Storm Water and Urban Runoff Control Regulations of the
City of Pasadena, as evidenced within the attached Exhibit "A", are hereby established and
approved.

Section 2: Resolution No. 7950, is hereby repealed.

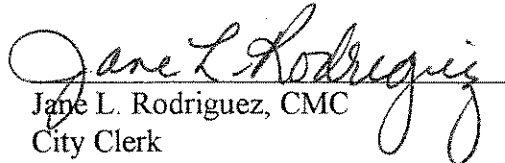
Adopted at the regular meeting of the City Council on the 16th day of September
2002, by the following vote:

Ayes: Councilmembers Gordo, Haderlein, Holden, Madison,
Streator, Tyler, Vice Mayor Little

Noes: None

Absent: Mayor Bogaard

Abstain: None


Jane L. Rodriguez, CMC
City Clerk

Approved as to form:


Frank L. Rhemrev
Assistant City Attorney

EXHIBIT "A"

STORMWATER AND URBAN RUNOFF POLLUTION CONTROL LEGAL AUTHORITY FOR THE NEW OR REDEVELOPMENT PROJECTS

PART I – Purpose

The purpose of this resolution is to ensure the future health, safety and general welfare of the citizens of the City of Pasadena and the water quality of the Los Angeles River.

- A. Reducing pollutants in stormwater discharges to the maximum extent practicable.
- B. Regulating illicit connections and illicit discharges and thereby reducing the level of contamination of stormwater and urban runoff into the municipal stormwater system; and
- C. Regulating non-stormwater discharges to the municipal stormwater system.
- D. This resolution sets forth requirements for the construction and operation of certain commercial development, new development and redevelopment and other projects (as further defined herein) which are intended to ensure compliance with the stormwater mitigation measures prescribed in the current version of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by the Regional Water Quality Control Board—Los Angeles Region.

The intent of this resolution is to protect and enhance the quality of watercourses, water bodies, and wetlands within the city in a manner consistent with the federal Clean Water Act and the Existing Municipal NPDES permit.

This resolution is also intended to provide the city with the legal authority necessary to control discharges to and from those portions of the municipal stormwater system over which it has jurisdiction as required by the municipal NPDES permit and to hold dischargers to the municipal stormwater system accountable for their contributions of pollutants and flows.

PART II – Definitions

Except as specifically provided herein, any term used in this resolution shall be defined as that term is defined in the current Municipal NPDES permit, or as defined in the current version of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by the Regional Water Quality Control Board—Los Angeles Region, or if it is not specifically defined in either the Municipal NPDES Permit or the SUSMP, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition of any term contained in this resolution conflicts with the definition of the same term in the current version of the SUSMP, then the definition contained in the SUSMP shall govern. The following are definitions of terms used in this resolution:

- A. "Area susceptible to runoff" means any surface directly exposed to precipitation or in the path of runoff caused by precipitation which path leads off the parcel on which the surface is located.
- B. "Authorized enforcement officer" means any personal designated by the City's officials to conduct inspections and follow investigations.

- C. "Automotive repair shop" means a facility that is categorized in any one of the following Standard Industrial Classifications (SIC) codes 5013, 5014, 5541, 7532-7534, or 7536-7539 (as amended).
- D. "Best management practices (BMPs)" means methods, measures, or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and nonpoint source discharges including stormwater. BMPs include structural and nonstructural controls, and operation and maintenance procedures, which can be applied before, during, and/or after pollution producing activities.
- E. "City" means the City of Pasadena.
- F. "Commercial development" means any development on private land that is not heavy industrial or residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, multi-apartment buildings, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.
- G. "Construction" means constructing, clearing, grading, or excavation that results in soil disturbance. Construction includes structure teardown. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, emergency construction activities required to immediately protect public health and safety; interior remodeling with no outside exposure of construction material or construction waste to stormwater; mechanical permit work; or sign permit work.
- H. "Development" means any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.
- I. "Directly Adjacent" means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area.
- J. "Director" means the director of public works of the city or the director's designee.
- K. "Discharging Directly" means outflow from a drainage conveyance system that is composed entirely or predominantly of flows from the subject, property, development, subdivision, or industrial facility, and not commingled with the flows from adjacent lands.
- L. "Discharge of a Pollutant" means: any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source" or, any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. The term discharge includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

- M. "Disturbed Area" means an area that is altered as a result of clearing, grading, and/or excavation.
- N. "Environmentally Sensitive Areas (ESAs)" means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities and developments (California Public Resources Code § 30107.5). Areas subject to stormwater mitigation requirements are: areas designated as Significant Ecological Areas by the County of Los Angeles (*Los Angeles County Significant Areas Study, Los Angeles County Department of Regional Planning (1976)* and amendments); an area designated as a Significant Natural Area by the California Department of Fish and Game's Significant Natural Areas Program, provided that area has been field verified by the Department of Fish and Game; an area listed in the Basin Plan as supporting the "Rare, Threatened, or Endangered Species (RARE)" beneficial use; and an area identified by the City as environmentally sensitive.
- O. "Good housekeeping practices" means common practices related to the storage, use, or cleanup of materials, performed in a manner that minimizes the discharge of pollutants. Examples include, but are not limited to, purchasing only the quantity of materials to be used at a given time, use of alternative and less environmentally harmful products, cleaning up spills and leaks, and storing materials in a manner that will contain any leaks or spills.
- P. "Greater than (>) nine-unit home subdivision" means any subdivision being developed for ten or more single-family or multi-family dwelling units.
- Q. "Hillside" means property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is fifteen percent or greater and where grading contemplates cut or fill slopes.
- R. "Illicit connection" means any man-made conveyance that is connected to the storm drain system without a permit, excluding roof-drains and other similar type connections. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.
- S. "Illicit discharge" means any discharge to the storm drain system that is prohibited under local, state or federal statutes, ordinances, codes or regulations. The term illicit discharge includes all non-stormwater discharges except discharges pursuant to a separate NPDES permit, discharges that are identified in Part 1, "Discharge Prohibitions" of Order 01-182 and discharges authorized by the Regional Board Executive Officer.
- T. "Infiltration" means the downward entry of water into the surface of the soil.
- U. "Inspection" means entry and the conduct of an on-site review of a facility and its operations, at reasonable times, to determine compliance with specific municipal or other legal requirements. The steps involved in performing an inspection, include, but are not limited to:
1. Pre-inspection documentation research;
 2. Request for entry
 3. Interview of facility personnel
 4. Facility walk-through
 5. Visual observation of the condition of facility premises
 6. Examination and copying of records as required;

7. Sample collection (if necessary or required);
 8. Exit conference (to discuss preliminary evaluation); and,
 9. Report preparation, and if appropriate, recommendations for coming into compliance.
- V. "Local SWPPP" means the stormwater Pollution Prevention Plan required by the local agency for a project that disturbs one or more acre.
- W. "Material" means any substance including, but not limited to: garbage and debris; lawn clippings, leaves, and other vegetation; biological and fecal waste; sediment and sludge; oil and grease; gasoline; paints, solvents, cleaners, and any fluid or solid containing chemicals.
- X. "Maximum Extent Practicable (MEP)" means the standard for implementation of stormwater management programs to reduce pollutants in stormwater, including management practices, control techniques and system, design and engineering methods and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants. See also State Board Order WQ 2000-11 at page 20.
- Y. "Municipal NPDES permit" means the existing and current "Waste Discharge Requirements for Municipal Stormwater and Urban Runoff Discharges within the County of Los Angeles," issued by the California Regional Water Quality Control Board — Los Angeles Region, and any successor permit to that permit.
- Z. "Municipal stormwater system" means streets, gutters, conduits, natural or artificial drains, channels and watercourses, or other facilities that are owned, operated, maintained or controlled by the city, county, state, or other public body and used for the purpose of collecting, storing, transporting, or disposing of stormwater.
- AA. "New development" means land disturbing activities structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision.
- BB. "Non-stormwater discharge" means any discharge to a storm drain that is not composed entirely of stormwater.
- CC. "NPDES permit" means any waste discharge requirements issued by the California Regional Water Quality Control Board — Los Angeles Region or the State Water Resources Control Board as an NPDES permit pursuant to Water Code Section 13370.
- DD. "One hundred thousand square foot commercial development" means any commercial development that creates at least one hundred thousand square feet of impermeable area, including parking areas.
- EE. "Parking lot" means land area or a facility for the temporary parking or storage of motor vehicles used personally, for business or for commerce with a lot size of five thousand square feet or more, or with twenty-five or more parking spaces.
- FF. "Planning Priority Projects" means those projects that are required to incorporate appropriate stormwater mitigation measures into the design plan for their respective project. These types of projects include:

1. Ten or more unit homes (includes single family homes, multifamily homes, condominiums, and apartments)
2. All Hillside New Development and Redevelopment
3. A 100,000 or more square feet of impervious surface area industrial/commercial development (1 acre or more starting on March 10, 2003)
4. Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534, and 7536-7539)
5. Retail gasoline outlets
6. Restaurants (SIC 5812)
7. Parking lots 5,000 square feet or more of surface area or with 25 or more parking spaces
8. Redevelopment projects in subject categories that meet Redevelopment thresholds
9. Projects located in or directly adjacent to or discharging directly to an ESA, which meet thresholds; and
10. Those projects that require the implementation of a site-specific plan to mitigate post-development stormwater for new development not requiring a SUSMP but which may potentially have adverse impacts on post-development stormwater quality, where the following project characteristics exist:
 - a) Vehicle or equipment fueling areas;
 - b) Vehicle or equipment maintenance areas, including washing and repair;
 - c) Commercial or industrial waste handling or storage;
 - d) Outdoor handling or storage of hazardous materials;
 - e) Outdoor manufacturing areas;
 - f) Outdoor food handling or processing;
 - g) Outdoor animal care, confinement, or slaughter; or
 - h) Outdoor horticulture activities

GG. "Pollutant" means those pollutants defined in Section 502(6) of the federal Clean Water Act (33 U.S.C. Section 1362(6)), or incorporated into California Water Code Section 13373.

HH. "Redevelopment" means, on an already developed site, land disturbing activity that results in the creation, addition, or replacement of at least one thousand square feet or more of impervious surface area. Redevelopment includes, but is not limited to: (1) the expansion of a building footprint or addition or replacement of a structure; (2) replacement of impervious surface that is not part of a routine maintenance activity; and (3) land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

II. "Regional board" means the California Regional Water Quality Control Board—Los Angeles Region.

JJ. "Restaurant" means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption. (SIC code 5812).

KK. "Retail gasoline outlet" means any facility engaged in selling gasoline and lubricating oils.

- LL. "Runoff" means any runoff including stormwater and dry weather flows from a drainage area that reaches a receiving water body or subsurface. During dry weather it is typically comprised of base flow either contaminated with pollutants or uncontaminated, and nuisance flows.
- MM. "Significant Redevelopment" means land-disturbing activity that results in the creation or addition or replacement of 1,000 square feet or more of impervious surface area on an already developed site. Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development stormwater quality control requirements, the entire project must be mitigated. Where Redevelopment results in an alteration to less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.
- NN. "Source control BMP" means any schedule of activities, prohibition of practices, maintenance procedures, managerial practices or operational practices that aim to prevent stormwater pollution by reducing the potential for contamination at the source of pollution.
- OO. "Standard Urban Stormwater Mitigation Plan" or "SUSMP" means the current version of the Standard Urban Stormwater Mitigation Plan approved by the regional board including the revisions herein, and on file in the office of the city clerk, and the NPDES permit models that have been approved by the executive officer of the regional board for implementation to control stormwater pollution from a new development and redevelopment project specifically identified in Section 13.10.065(A).
- PP. "Storm event" means a rainfall event that produces more than 0.1 inch of precipitation in 24 hours unless specifically stated otherwise.
- QQ. "Stormwater runoff" means that part of precipitation (rainfall) which travels via flow across a surface to the storm drain system or receiving waters from impervious, semi-pervious or pervious surfaces. When all other factors are equal, runoff increases as the perviousness of a surface decreases.
- RR. "Structural BMP" means any structural facility designed and constructed to mitigate the adverse impacts of stormwater and urban runoff pollution (e.g. canopy, structural enclosure). Structural BMPs may include both treatment control BMPs and source control BMPs.
- SS. "Treatment" means the application of engineered systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to, filtration, gravity settling, media adsorption, biodegradation, biological uptake, chemical oxidation and UV radiation.
- TT. "Treatment control BMP" means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.
- UU. "Urban runoff" means surface water flow produced by non-stormwater resulting from residential, commercial, and industrial activities involving the use of potable and non-potable water.

PART III - Requirements for all Construction Activities

- A. Each industrial discharger, discharger associated with construction activity, or other discharger described in any general stormwater permit addressing such discharges, as may be granted by the U.S. Environmental Protection Agency, the State Water Resources Control Board, or the Regional Board shall comply with all requirements of such permit. Each discharger identified in an individual NPDES permit shall comply with and undertake all activities required by such permit. Proof of compliance with any such permit may be required in a form acceptable to the director of the department of public works, or the director's designated representative, prior to the issuance of any grading, building or occupancy permits, or any other type of permit or license issued by the city.
- B. Stormwater runoff containing sediment, construction materials or other pollutants from the construction site and any adjacent staging, storage or parking areas shall be reduced to the maximum extent practicable. The following shall apply to all construction projects within the city and shall be required from the time of land clearing, demolition or commencement of construction until receipt of a certificate of occupancy:
 - 1. Sediment, construction wastes, trash and other pollutants from construction activities shall be reduced to the maximum extent practicable.
 - 2. Structural controls such as sediment barriers, plastic sheeting, detention ponds, filters, berms, and similar controls shall be utilized to the maximum extent practicable in order to minimize the escape of sediment and other pollutants from the site.
 - 3. Between October 1 and April 15, all excavated soil shall be located on the site in a manner that minimizes the amount of sediment running onto the street, drainage facilities or adjacent properties. Soil piles shall be bermed or covered with plastic or similar materials until the soil is either used or removed from the site.
 - 4. No washing of construction or other vehicles is permitted adjacent to a construction site. No water from the washing of construction vehicle or equipment on the construction site is permitted to run off the construction site and enter the municipal stormwater system.
 - 5. Trash receptacles must be situated at convenient locations on construction sites and must be maintained in such a manner that trash and litter does not accumulate on the site nor migrate off site.
 - 6. Erosion from slopes and channels must be controlled through the effective combination of Best Management Practices.
- C. The owner or authorized representative of the owner must certify in a form acceptable to the Director or duly authorized representative that Best Management Practices to control runoff from construction activity at all construction sites will be implemented prior to the issuance of any Building or Grading permit;
- D. A Local Stormwater Pollution Prevention Plan and Wet Weather Erosion Control Plan for construction activities shall be required by The Director or duly authorized representative thereof consistent with the Municipal NPDES permit. Such plans must be submitted to the city for review and approval prior to the issuance of building or grading permits.

PART IV - Standard Urban Stormwater Mitigation Plan (SUSMP) requirements for New Development and Redevelopment Projects

A. Projects Requiring a SUSMP

1. Projects involving a single family hillside home shall be required to do the following:
 - a) Conserve natural areas;
 - b) Protect slopes and channels;
 - c) Provide storm drain system stenciling and signage;
 - d) Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
 - e) Direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability
2. The following categories of development or redevelopment projects shall require a stormwater mitigation plan that complies with the most recent Regional Board approved SUSMP:
 - a) Ten or more unit homes (includes single family homes, multifamily homes, condominiums and apartments);
 - b) Commercial/industrial developments in excess of 100,000 SQ FT of disturbed area (one acre or more after March 10, 2003);
 - c) Automotive service facilities;
 - d) Retail gasoline outlets;
 - e) Restaurants;
 - f) Redevelopment projects in subject categories that meet redevelopment thresholds
 - g) Parking lots of five thousand square feet or more surface area or with twenty-five or more parking spaces.
 - h) All projects located in or directly adjacent to or discharging directly to an ESA, where the development will (a) discharge stormwater and urban runoff that is likely to impact a sensitive biological species or habitat, and (b) create 2,500 square feet or more of impervious surface area.

B. Projects requiring a Site Specific Mitigation Plan: A site-specific plan to mitigate post-development stormwater for new development and redevelopment projects not requiring a SUSMP but which may potentially have adverse impacts on post-development stormwater quality is required, where one or more of the following project characteristics exist:

1. Vehicle or equipment fueling areas;
2. Vehicle or equipment maintenance areas, including washing and repair;
3. Commercial or industrial waste handling or storage;
4. Outdoor handling or storage of hazardous materials;
5. Outdoor manufacturing areas;
6. Outdoor food handling or processing;
7. Outdoor animal care, confinement, or slaughter; or
8. Outdoor horticulture activities.

C. Numerical Design Criteria: Post-construction Treatment Control BMPs for all projects must incorporate, at a minimum, either a volumetric or flow based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter or treat) stormwater runoff:

1. Volumetric Treatment Control BMP

- a) The 85 the percentile 24-hour runoff event determined as the maximized capture stormwater volume for the area, from the formula recommended in *Urban Runoff Quality Management, WEF Manual of Practice No. 23/ ASCE Manual of Practice No. 87, (1998)*; or
- b) The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in *California Stormwater Best Management Practices Handbook – Industrial/ Commercial, (1993)*; or
- c) The volume of runoff produced from a 0.75 inch storm event, prior to its discharge to a stormwater conveyance system; or
- d) The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for “treatment” (0.75 inch average for the Los Angeles County area) that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile 24-hour runoff event.

2. Flow Based Treatment Control BMP

- a) The flow of runoff produced from a rain event equal to at least 0.2 inches per hour intensity; or
- b) The flow of runoff produced from a rain event equal to at least two times the 85 the percentile hourly rainfall intensity for Los Angeles County; or
- c) The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.

D. Applicability of Numerical Design Criteria: The numeric design criteria listed above shall apply to the following categories of projects required to design and implement post-construction treatment controls to mitigate stormwater pollution:

1. All hillside new or redevelopments;
2. Housing developments (includes single family homes, multifamily homes, condominiums, and apartments) of ten units or more;
3. A 100,000 square feet or more (one acre or more after March 10, 2003) impervious surface area industrial/ commercial development;
4. Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534 and 7536-7539)
5. Retail gasoline outlets [Projected Average Daily Traffic (ADT) of 100 or more vehicles]. Subsurface Treatment Control BMPs which may endanger public safety (i.e., create an explosive environment) are considered not appropriate;
6. Restaurants (SIC 5812);
7. Parking lots 5,000 square feet or more of surface area or with 25 or more parking spaces;
8. Projects located in, adjacent to or discharging directly to an ESA that meet threshold conditions identified above; and
9. Redevelopment projects in subject categories that meet Redevelopment thresholds.

- E. Incorporation of SUSMP and Site Specific Stormwater Mitigation Plans into Project Plans. An applicant for a new development or a redevelopment project identified in PART IV shall incorporate into the applicant's project plans a stormwater mitigation plan which includes those best management practices necessary to control stormwater pollution from construction activities and facility operations, as set forth in the SUSMP or Site Specific Stormwater Mitigation Plan applicable to the applicant's project. Structural or treatment control BMPs set forth in project plans shall meet the design standards set forth in the SUSMP, the Site Specific Stormwater Mitigation Plan and applicable numerical design criteria; If a project applicant has included or is required to include structural or treatment control BMPs in project plans, the applicant shall provide verification of maintenance provisions pursuant to the Maintenance Agreement and Transfer provisions of the Permit. The verification shall include the applicant's signed statement, as part of its project application, accepting responsibility for all structural and treatment control BMP maintenance until such time, if any, the property is transferred.
- F. Issuance of Permits. No permit may be issued for any new development or redevelopment project identified in PART IV until the director confirms that the project plans comply with the applicable stormwater mitigation plans and numerical design criteria requirements.
- G. Where a redevelopment project results in an alteration to less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development stormwater quality control requirements, only the alteration must be mitigated, and not to the entire development. Existing non-hillside single-family structures are exempt from the redevelopment requirements.
- H. Issuance of Certificates of Occupancy. As a condition for issuing a certificate of occupancy for a project subject to this resolution, the director shall require facility operators and/or owners to build all the stormwater pollution control best management practices and structural or treatment control BMPs that are shown on the approved project plans and to submit a signed certification statement stating that the site and all structural or treatment control BMPs will be maintained in compliance with the SUSMP and other applicable regulatory requirements.
- I. Transfer of Properties Subject to Requirement for Maintenance of Structural and Treatment Control BMPs.
1. The transfer or lease of a property subject to a requirement for maintenance of structural and treatment control BMPs shall include conditions requiring the transferee and its successors and assigns to either: (a) assume responsibility for maintenance of any existing structural or treatment control BMP, or (b) to replace an existing structural or treatment control BMP with new control measures or BMPs meeting the then current standards of the city and the SUSMP. Such requirement shall be included in any sale or lease agreement or deed for such property. The condition of transfer shall include a provision that the successor property owner or lessee conducts maintenance inspections of all structural or treatment control BMPs at least once a year and retain proof of inspection.
 2. For residential properties where the structural or treatment control BMPs are located within a common area which will be maintained by a homeowner's association, language regarding the responsibility for maintenance shall be included in the project's conditions, covenants and restrictions (CC&R's). Printed educational materials will be required to accompany the first deed transfer to highlight the existence of the requirement and to provide information on what

stormwater management facilities are present, signs that maintenance is needed, and how the necessary maintenance can be performed. The transfer of this information shall also be required with any subsequent sale of the property.

3. If structural or treatment control BMPs are located within an area proposed for dedication to a public agency, they will be the responsibility of the developer until the dedication is accepted.

J. CEQA. Provisions of this section shall be complimentary to, and shall not replace, any applicable requirements for stormwater mitigation required under the California Environmental Quality Act.

PART V – Enforcement

A. Violations Deemed a Public Nuisance

1. Any condition caused or permitted to exist in violation of:
 - a) Any of the provisions of this resolution; or
 - b) Any failure to comply with any applicable requirement of either the SUSMP or an approved stormwater mitigation plan with respect to a property; or
 - c) Any false certification or verification, or any failure to comply with a certification or verification provided by a project applicant or the applicant's successor in interest; or
 - d) Any failure to properly operate and maintain any structural or treatment control BMP on a property in accordance with an approved stormwater mitigation plan or the SUSMP, is determined to be a threat to the public health, safety and welfare, is declared and deemed a public nuisance, and may be abated or restored by any authorized enforcement officer, and a civil or criminal action to abate, enjoin or otherwise compel the cessation of such nuisance may be brought by the city attorney.
2. The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property, as provided by law or ordinance for the recovery of nuisance abatement costs.
3. If any violation of this resolution constitutes a seasonal and recurrent nuisance, the director of public works shall so declare. The failure of any person to take appropriate annual precautions to prevent stormwater pollution after written notice of a determination under this paragraph shall constitute a public nuisance and a violation of this resolution.

PART VI – Inspections

- A. The City Manager or duly authorized representative thereof may enter and inspect any private premises during any reasonable time for the purpose of verifying compliance with the terms and conditions of this resolution. Such inspections may include but are not limited to:
 1. Inspecting efficiency or adequacy of construction or post construction BMPs.
 2. Inspection, sampling and testing any area runoff, soils in areas subject to runoff, and or treatment system discharges.

3. Inspection of the integrity of all storm drain and sanitary sewer systems, including the use of smoke and dye tests and video survey of such pipes and conveyance systems.
 4. Inspection of all records of the owner, contractor, developer or occupant of public or private property relating to BMP inspections conducted by the owner, contractor, developer or occupant and obtaining copies of such records as necessary.
 5. Identifying points of stormwater discharge from the premises whether surface or subsurface and locating any illicit connection or discharge.
- B. Concealment. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this resolution shall constitute a violation of such provision.
- C. Administrative Enforcement Powers. In addition to the other enforcement powers and remedies established by this resolution, any authorized enforcement officer has the authority to utilize the following administrative remedies:
1. Cease and Desist Orders. When an authorized enforcement officer finds that a discharge has taken place or is likely to take place in violation of this resolution, the officer may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those persons not complying shall: (a) comply with the requirement, (b) comply with a time schedule for compliance, and (c) take appropriate remedial or preventive action to prevent the violation from recurring.
 2. Notice to Clean. Whenever an authorized enforcement officer finds any oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in pollutants entering the municipal storm drain system or a non-stormwater discharge to the storm drain system, he or she may give notice to the owner or occupant of the adjacent property to remove such oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or other material, in any manner that he or she may reasonably provide. The recipient of such notice shall undertake the activities as described in the notice.
- D. Penalties. Violation of this section shall be punishable. Each day that a violation continues shall constitute a separate offense.
- E. Permit Revocation. To the extent the city makes a provision of this resolution or any identified BMP a condition of approval to the issuance of a permit or license, any person in violation of such condition is subject to the permit revocation procedures set forth in this Code.
- F. Remedies. Remedies under this resolution are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.